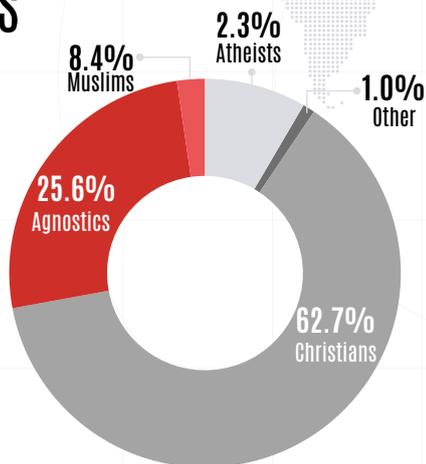




BELGIUM

RELIGIONS



Population

11,619,972

GDP per capita

42,659 US\$

Area

30,528 Km²

GINI INDEX*

27.4

*Economic Inequality

LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

The Constitution of the Kingdom of Belgium¹ establishes clear, positive obligations to protect freedom of religion or belief. All Belgians are equal before the law (Article 10) and rights and freedoms are provided without discrimination, including for “ideological and philosophical minorities” (Article 11). Article 19 provides: “Freedom of worship, its public practice and freedom to demonstrate one’s opinions on all matters are guaranteed, but offences committed when this freedom is used may be punished.” Article 20 states: “No one can be obliged to contribute in any way whatsoever to the acts and ceremonies of a religion or to observe its days of rest.” Article 21 states: “The state does not have the right to intervene either in the appointment or in the installation of ministers of any religion whatsoever or to forbid these ministers from corresponding with their superiors, from publishing the acts of these superiors, but, in this latter case, normal responsibilities as regards the press and publishing apply.” Article 181 states: “The salaries and pensions of ministers of religion are paid for by the state; the amounts required are charged annually to the budget.”

The state recognises and funds religious and similar communities. These are: Catholicism, Protestantism, Anglicanism, Judaism, Islam, Orthodoxy (Greek and Russian), and organisations from the Conseil central laïque (central secular council).² Recognition of Buddhism and Hinduism remained pending by the end of 2019.³

There are no legal or constitutional criteria for granting state recognition. In 1985, the then Minister of Justice, Jean Gol, said in an answer to a parliamentary question that the following criteria should be taken into consideration: the membership of the religious community, its history, and its contribution to the good of society. However, his understanding of the necessary criteria was never enshrined in law. Whatever their beliefs, taxpayers provide the main financial support for the few state-recognised religions or worldviews. Groups that are not recognised by the state can acquire the status of non-profit associations.⁴

In public schools, religious or “moral” instruction is provided according to parental preference.⁵ The public education system requires neutrality in the presentation of religious views outside of religious education classes. All public schools must provide teachers for each of the state recognised religious or belief groups. Faith-based schools follow the same curriculum as public schools and receive

government subsidies for operating expenses, such as building maintenance and utilities.⁶

In June 2020, the constitutional court ruled in favour of la Haute école Francisco Ferrer de la Ville de Bruxelles in a lawsuit over the school's policy to prohibit pupils from wearing any religious or philosophical symbols in an effort to create a "completely neutral" school environment.⁷ In January 2021, the Wallonia-Brussels educational district announced that students in higher or adult education, around 50,000 students, would be permitted to wear religious or philosophical symbols (such as crosses, headscarves, kippahs) beginning in September 2021.⁸

The labour court of Ghent ruled in favour of a private company that prohibited the wearing of a headscarf by employees who have visual contact with customers in order for all employees to have a "neutral appearance." The court held that such a policy did not disadvantage Muslim women more than other workers. The case originated in 2009, went to the European Court of Justice which ruled in 2017 that such a policy may only be for workers who have contact with customers, must not be at the request of a specific customer, and the company must determine whether the worker could be assigned to a different position.⁹

In March 2018, the government terminated Saudi Arabia's lease of the Grand Mosque in Brussels due to concerns about radicalism and "foreign interference in the way Islam is taught in Belgium."¹⁰ In December 2020, on the advice of security services, the government refused to recognize the Grand Mosque as a "local faith community" due to allegations that it had been infiltrated by foreign spies. "I cannot and will not accept that foreign regimes hijack Islam for ideological or political motives, try to call the shots here and prevent Muslims in our country from developing their own progressive Islam," Justice Minister Vincent Van Quickenborne said. "By keeping my mouth shut on that, I'm not doing anyone a favour - certainly not the Muslims in our country."¹¹

In May 2017, Wallonia and Flanders voted to ban the ritual slaughter of animals without prior stunning. The Jewish and Muslim communities challenged the law on religious grounds.¹² In December 2020, the European Court of Justice held that Member States may, on animal welfare grounds, require a reversible stunning procedure which cannot result in the animal's death and that such a law

allows a "fair balance ... between the importance attached to animal welfare and the freedom of Jewish and Muslim believers to manifest their religion."¹³

The ruling contravened the advisory opinion of the Advocate-General who said: "EU member states are obliged to respect the deeply held religious beliefs of adherents to the Muslim and Jewish faiths by allowing for the ritual slaughter of animals," and requiring stunning in the slaughter process "would compromise the essence of the religious guarantees" the EU provides.¹⁴ The decision was met with strong condemnation from religious groups, including the European Jewish Congress.¹⁵

Complaints of discrimination, including on religious or philosophical grounds, can be filed with Unia, the governmental equal opportunities organisation.¹⁶ Unia also collects data and publishes reports on discrimination. In 2020, the government undertook a project to improve collection and processing of "equality data" in Belgium.¹⁷

INCIDENTS AND DEVELOPMENTS

Official figures reported to the OSCE for inclusion in the 2018 and 2019 annual hate crime report were not disaggregated for bias against religious groups. Unia's statistics did not cover incidents from the current reporting period.

For 2018, civil society organisations reported 22 incidents motivated by anti-Semitism (12 property crimes, six threats, and four attacks on people). Examples included a Holocaust memorial vandalized on the eve of the Kristallnacht anniversary, graffiti on homes, schools, and businesses, and physical attacks on visibly Jewish people.¹⁸

Civil society organisations in 2019 reported 17 anti-Semitic incidents to the OSCE comprised of six attacks on people, seven attacks on property, and four threats. Examples included an anti-Semitic and Nazi graffiti on the wall of a university, a bomb threat against a Jewish radio station,¹⁹ and a June 2019 incident in which an Iraqi man armed with knives, claiming to be a member of the Jewish community, tried to enter a synagogue on a Jewish holiday.²⁰

A carnival in Aalst was removed from a UNESCO cultural heritage list in 2019 after a float in the parade featured crude anti-Semitic caricature figures. The city's mayor said, "Aalst is and will always be the capital of humour and satire." He said it is important the event remains "free from intentional hurt, but also from censorship." The leader of the European Jewish Association said the incident

was “another signal to Jews that they are not welcome in Europe.”²¹ The 2020 carnival drew fresh controversy by redoubling its anti-Semitic caricatures, including “eleven men dressed as Hasidic Jews with the bodies and legs of ants (who) pushed a float with a mock-up of Jerusalem’s Wailing Wall (a pun in the local dialect on ‘ant’ and ‘wall’) - draped in pork sausages.”²² Belgium’s Prime Minister Sophie Wilmès, whose mother is Jewish, said the Aalst carnival damaged the entire country’s “values and reputation.”²³

In 2018, civil society organisations reported 13 incidents to the OSCE motivated by bias against Muslims (eight physical attacks, two attacks on property, and three threats). Examples during the reporting period included a pig’s head left in a pool of blood outside an Islamic cultural centre in June 2018, and threats and physical violence against women and girls wearing headscarves.²⁴

Civil society organisations reported 17 anti-Muslim incidents to the OSCE in 2019 comprised of 12 attacks on people (most of which were committed against women wearing headscarves), two threats, and three attacks on property.²⁵ Examples included an Orthodox Christian woman who stabbed her daughter for converting to Islam and marrying a Muslim man. The assailant was given a 3-year suspended sentence.²⁶ Employees of a Muslim advocacy organisation were subjected to insults and death threats in an email. A pig’s head was left in front of a Muslim family’s home in October 2019.²⁷

In 2018, civil society groups reported four anti-Christian incidents to the OSCE hate crime reporting unit (three attacks on property and one physical attack).²⁸

During 2019, civil society groups reported three anti-Christian hate incidents to the OSCE (two property crimes and one physical attack). A Jehovah’s Witness was insulted, punched, and kicked while engaging in religious activities on the street. A priest’s car and house were targeted with arson in September 2019, and gravestones in a Christian cemetery were overturned and crosses damaged.²⁹

In 2020, The Observatory on Intolerance and Discrimination against Christians reported nine anti-Christian incidents, including vandalism of churches and Christian statues. In April 2020, a Muslim migrant from Afghanistan was arrested for threatening to “slit Christians’ throats” in an asylum centre.³⁰

Restrictions on religious gatherings during the coronavi-

rus pandemic in 2020/21 included complete prohibitions on public worship, but places of worship remained open for personal prayer.³¹

PROSPECTS FOR RELIGIOUS FREEDOM

There were a few developments in the country during the period under review that signal a potential diminution of the right to freedom of religion. Although it addressed a question of Belgian legislation, the European Court of Justice’s ruling on the proper balance between animal welfare and religious slaughter has wide-ranging implications across Europe.

Government monitoring for extremism at the Grand Mosque and others may prove to be an effective, but divisive, security measure. The reduction on protections for conscientious objection in health care is equally troubling. Bans on religious symbols and the debate around those issues indicate a greater push toward a form of laicism that would eliminate religion from the public sphere in the country. For now, the societal situation remains stable for Belgium’s various religious communities.

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